

REMARKS

The application was filed with original claims 1-6. In the current Office Action, claims 1 and 2 were rejected under 35 U.S.C. §102 as anticipated by United States Patent 132,213 ("Murray"), and claims 4-6 were rejected under 35 U.S.C. §103 as obvious over United States Patent 5,189,962 ("Iwamura") in view of *Murray*, with claim 4 being obvious further in view of United States Patent 2,361,496 ("Pointer"), and claim 6 being obvious further in view of the current specification. In the current response, claims 1 and 2 have been canceled, claim 3 has been amended, and new claims 7 and 8 have been added. Accordingly, claims 3-8 are pending and at issue.

Statement of substance of interview

Before addressing the merits of the Office Action, Applicant submits this record of interview pursuant to M.P.E.P. §713.04. A telephonic interview to discuss the present application was conducted on December 7, 2004, with Examiner Mark T. Le, and the undersigned ("Applicant's representative"). Applicant's representative wishes to thank the Examiner for participating in the telephonic interview. Substantively, the Examiner and Applicant's representative discussed the 35 U.S.C. § 103 rejection of claims 3 and 5 and, more specifically, the language in paragraph 5 of the Office Action including the statement "Applicant should consider the coil spring of Murray that includes constant diameter wire portion A, and tapered end portions C." The Examiner stated that this statement was not a suggestion of allowable subject matter, but rather a consideration of Murray as a secondary reference. The examiner followed-up with an admission that the reference to 'Murray' in the third sentence of paragraph 5 should have been 'Iwamura,' thereby alleviating the confusion of the first referenced statement.

Response to 35 U.S.C. §102 rejection

Claims 1 and 2 have been canceled, making the §102 rejection moot.

Response to 35 U.S.C. §103 rejection

Claim 3 cannot be considered obvious over *Iwamura* in view of *Murray* as the combination of these referenced fails to teach or suggests all of the claimed limitations and, as such, a *prima facie* case of obviousness has not been established.¹ More specifically, claim 3 as amended recites, *inter alia*, "the coil spring is formed by a nonlinear characteristic spring having a tapered portion having a spring wire diameter that gradually decreases as it is closer to an end portion of a spring wire in a region of active coils of the coils spring." The combination of *Iwamura* and *Murray* fails to teach or suggest the claimed structure.

Murray discloses a coil spring constructed from a wire having a constant diameter through all of the coils of the spring. The ends of the spring, i.e. the first and last coils, are ground far enough back on the wire to provide the spring with a flat surface extending nearly over the entire first and last coil, thereby forming a right angle with respect to a central axis of the spring. As a result, the tapered portions are formed only at the end portions of the spring (see Figs. 1 and 2) and not in the region of active coils. Similarly, *Iwamura* discloses an axle box suspension system having an axle spring, but fails to disclose a specific structure for the axle spring.

As a result, the combination of *Murray* and *Iwamura* does not teach or suggest a coil spring that is formed by a nonlinear characteristic spring having a tapered portion having a spring wire diameter that gradually decreases as it is closer to an end portion of a spring wire in a region of active coils of the coils spring and, accordingly, a *prima facie* case of obviousness has not been established.

With regard to the remainder of the obviousness rejections of claims 4, 5 and 6, these rejections are moot in light of the above arguments and amendments.

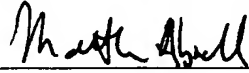
¹ "To establish a *prima facie* case of obviousness, ... there must be some suggestion or motivation ... to modify the references or to combine reference teachings ... [, and] the prior art reference (or references when combined) must teach or suggest 'all' the claimed limitations. (Internal quotations added). See MPEP § 2142.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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